



## UPPER TRIBUNAL ADMINISTRATIVE APPEALS CHAMBER

### Notes for Appellants Form UT4 (Special Educational Needs and Disability Discrimination in Schools)

The Administrative Appeals Chamber is part of the Upper Tribunal. It decides appeals on a point of law from decisions of the First-tier Tribunal in cases concerning special educational needs and disability discrimination in schools. The Upper Tribunal consists of High Court judges and other specialist judges appointed by the Queen.

**Form UT4** is to be used for applying to the Upper Tribunal for permission to appeal against a decision of a First-tier Tribunal. It should also be used for appealing to the Upper Tribunal if the First-tier Tribunal has already granted permission to appeal.

**Form UT4** should be sent to the Upper Tribunal office so that it is received no later than **one month** after the date the First-tier Tribunal sent you notice of the refusal or grant of permission to appeal, or the refusal to admit your application. If you are late, you must explain why in **Part G** of the form.

#### Before you use Form UT4

**You must apply to the First-tier Tribunal for permission to appeal.** You should have received information from the First-tier Tribunal about how and when to do this.

#### Part A – About the Appellant

We use the word **appellant** to describe a person who makes an appeal, or who is asking for permission to appeal, to the Upper Tribunal.

You should tick the appropriate box to indicate whether you are applying for permission or appealing as the child's parent or the person with parental responsibility or as the LEA or responsible body.

#### Part B – About the Child

Whoever is completing this form as an appellant should complete **Part B** giving the information asked for about the child who is the subject of the appeal.

#### Part C – About the parent or person with parental responsibility.

Whoever is completing this form as an appellant should complete **Part C** giving the information asked for about the parent or the person with parental responsibility.

## Part D – About the parent’s representative

If you are a parent (or the person with parental responsibility) and you are applying for permission to appeal or appealing, you do not need to have a representative. You may fill in this form yourself and the Upper Tribunal office will correspond with you. However it is open to you to be represented by a solicitor or by any other person. If you have a Representative, you should give their details in the boxes provided in **Part D**. The Upper Tribunal Office will then correspond only with your representative.

## Part E – About the local education authority or responsible body

Whoever is completing this form as an appellant should complete **Part E** giving the information asked for about the local authority (in a special educational needs case) or about the body responsible for the school or education setting concerned (the responsible body) in a disability discrimination case.

## Part F – About the First-Tier Tribunal which decided your case

The place of the First-tier Tribunal hearing, the date of the decision and the number of your case should all be on the tribunal’s written decision.

## Part G – Reasons for any delay

You should have made a written application to the First-tier Tribunal for permission to appeal to the Upper Tribunal so that it was **received no later than 28 days** after you were sent written reasons for the tribunal’s decision (or notification of amended reasons or correction following a review or notification that an application to set aside was not successful).

**Form UT4 should be sent or delivered to the Upper Tribunal office** so that it is received no later than **one month** after the date the First-tier Tribunal sent you notice of the refusal or grant of permission to appeal or of the refusal to admit your application.

**If your application or appeal to the Upper Tribunal is late** you must ask for an extension of time and explain the delay in **Part F** of the form. For the Upper Tribunal to accept your application/appeal you must show a good reason.

If your application for permission to appeal was not admitted by the First-tier Tribunal because it was late it will only be admitted if the Upper Tribunal considers that it is in the interests of justice to do so. In any event you must explain the delay.

The Upper Tribunal may take into account the length of the delay, and other matters such as the amount of money at stake, the potential importance of the case, etc., so you can also mention these as reasons.

Use the box provided on the form or a separate sheet of paper if necessary. If you use a separate piece of paper, put your name and appeal reference number on it and attach it firmly to the form.

## Part H – Reasons for Appealing

You must explain why you think the First-tier Tribunal decision is **wrong in law**. Examples of mistakes of law are:

- The tribunal did not apply the correct law or wrongly interpreted the law.
- The tribunal made a procedural error.
- The tribunal had no evidence, or not enough evidence, to support its decision.
- The tribunal did not give adequate reasons (in its written decision or the written statement of its reasons).

These are only examples and the First-tier Tribunal's decision may be wrong in law for some other reason. You should explain in as much detail as possible why the decision **in your particular case** is wrong in law. If you have a representative they will advise you and may complete the form for you. You should not miss the **one month** time limit for sending in your application form.

What you have said on **Form UT4** will be treated as your main submission on the appeal (even if you are now only applying for permission to appeal). You should therefore make sure that you say everything you wish to at this stage. On the other hand, remember that short clear submissions may be more effective than long repetitive ones.

You may use a separate piece of paper if you wish, but put your name and appeal reference number on it and attach it firmly to the form.

## Part I – Request for an oral hearing of an Application

If you are applying to the Upper Tribunal for permission to appeal and you or your representative wish to appear before an Upper Tribunal judge at **an oral hearing of your application**, fill in the relevant boxes in **Part I**.

If you are refused permission to appeal (or given permission on limited grounds or subject to conditions) without an oral hearing you will be given the opportunity to ask (within 14 days) for that decision to be reconsidered at an oral hearing.

Hearings will normally be held in London but may also take place by video link from a number of places. You will be sent further information if the Upper Tribunal judge allows your request for an oral hearing.

Do not fill in the boxes about an oral hearing **if the First-tier Tribunal has given you permission to appeal**. In that case, or if you are given permission to appeal by the Upper Tribunal, you will be given an opportunity of asking for **an oral hearing of your appeal** at a later stage.

## Part J – Application/ Appeal to the Upper Tribunal

Even if you have a representative, **the Appellant must sign the form personally in Part J**. Your signature will be taken as authority for the representative named in **Part**

**D** to act for you. The only exception to this rule is where the representative is a solicitor. A solicitor is presumed to be acting on instructions and may sign the form on behalf of the Appellant.

## **Sending Form UT4 to the Office of the Upper Tribunal**

Tear off these notes and keep them in a safe place so that you have a record of the address of the Upper Tribunal Office.

Send **Form UT4**, and the documents listed at the end of the form, to the Upper Tribunal Office within the **month** allowed (see the notes to **Part G** above). **If you are late**, you can still send in your form but you must explain the delay in **Part G** of the form.

If the First-tier Tribunal hearing was in **England**, send the form to –

The Upper Tribunal  
(Administrative Appeals Chamber)  
5<sup>th</sup> Floor Rolls Building, 7 Rolls Buildings,  
Fetter Lane, London, EC4A 1NL.

Telephone: 020 7071 5662  
Fax: 020 7071 5663

**You must enclose the documents listed at the end of the form.** Otherwise, your application or appeal may be delayed or may not be admitted.

Contact the office if you are not told within a week that the form has been received.